

US Appl. No. 10/725 186

Attorney Docket No. 03-45

REMARKS

Replacement drawings eliminate reference to element 80 and include reference to bumper skins and side rails. The specification has been amended to remove reference to element 27. Claims 17 and 37 have been amended to provide for a strength member comprising metal and a shell consisting essentially of thermoplastic material. Claim 27 has been cancelled. Claim 28 has been amended to depend from claim 17 and to describe the thermoplastic material as polypropylene.

Claims 23-24, 30-31, 33-36 and 38 have been canceled pursuant a restriction requirement.

Drawings

The Examiner objects to the drawings because of undefined element 80 in Figure 4, failure to identify element 27 in the drawings, and lack of reference to "claimed elements," namely bumper skin and side rails. Attached is a replacement sheet that cancels reference to element 80 in Figure 4. The specification has been amended to delete reference to element 27. The drawings now comply with 37 C.F.R. § 1.84(p)(5).

The Examiner believes the figures must show the bumper skin of claims 17 and 37, and the side rails of claim 21 pursuant to 37 C.F.R. § 1.83(a) (The drawings "must show every feature of the invention specified in the claims.") Applicants submit the drawings need not show unclaimed elements that are not part of the invention. The remaining claims do not include a bumper skin or a side rail as elements. Reference to a bumper skin or side rail are found only in the preambles of the pending claims. Applicants believe the original specification sufficiently described these unclaimed elements to one of ordinary

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skill in the art. Nevertheless, Applicants have amended Figure 3 to show the side rails as dashed lines to the left of elements 76 and 74. A bumper skin is shown in dashed format to the right of the element 64. Applicants submit these additions are not new matter.

Applicants request acceptance of the amended drawings and admission of the replacement sheet.

### Specification

Substitute for the paragraph on page 6, lines 24-28, with new paragraph:

Added to these two factors are the shapes of the outer longitudinal edges 3, 5, and of the inner longitudinal edges 7, 9, as clad by the longitudinal edges 25 of the shell cladding, which edges are secured to the shell by suitable means.

The substitute paragraph cancels reference to element 27. A copy of the specification indicating the amendment is attached hereto.

### Claims

112 Rejection – The Examiner rejected claim 28 as indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 28 has been amended to depend from claim 17 and to identify the thermoplastic material as polypropylene. Applicants believe the claim is no longer indefinite.

102 Rejection – Carpenter - The Examiner rejects claims 17, 20-22, 27, 29, 32 and 37 as anticipated by US 5,139,297 to Carpenter. Claims 20-22, 27, 29 and 32 depend from claim 17. Carpenter teaches a crossbeam 16, nested with a face bar 8, and a block of

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foamed energy absorbing material 10, filling a cavity 37 formed between the face bar 8 and the crossbeam 16.

Anticipation exists where each and every material element of a claim is found in a single reference. Amended claims 17 and 37 recite a strength member incorporating metal and a shell consisting essentially of thermoplastic material. The block 10 of Carpenter is not a strength member but is, instead, an energy absorbing block. Further, the block 10 consists of foam and does not incorporate metal (see col. 3, lines 36-37). Additionally, Carpenter does not describe fastening a strength member comprising metal into a plastic beam shell. Carpenter lacks material elements of the pending claims and cannot anticipate claims 17 and 37, or their dependent claims.

102 Rejection – Klie - The Examiner rejects claims 17-18, 20-22, 25, 29, 32 and 37 as anticipated by US 4,826,226 to Klie. Claims 18, 20-22, 25, 29 and 32 depend from claim 17. Klie describes a stiff support part 3, a support 6 fixed to the vehicle, and a layer 9 of energy-absorbing foam, providing a support for the part 3 against the support 6. A reinforcement 15, which is connected to the support part 3, increases the cross-section modulus of the support part 3.

As explained above, Anticipation exists where each and every material element of a claim is found in a single reference. Klie cannot anticipate claim 17 or its dependent claims. First, the support part 3 and support 6 of Klie do not interfit with each other and do not form a hollow body. Second, amended claim 17 teaches a strength member incorporating metal and a shell consisting essentially of thermoplastic material. Klie does not describe the material used in the support part 3, the support 6, or the reinforcement

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15. Third, even if Klie had a reinforcement 15 comprising metal, Klie does not describe a support part 3 consisting essentially of thermoplastic material. One skilled in the art would appreciate the inherent difficulty of joining metal to plastic. Klie does not discuss this problem much less how to solve it. One aspect of the present invention involves overcoming this problem. See specification, pages 2-3, lines 32-2. For at least these three reasons, Klie cannot anticipate claim 17 or its dependent claims.

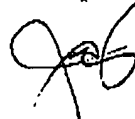
103 Rejections - The Examiner has made several obviousness rejections related to dependent claims, specifically claims 19, 26 and 28. These claims depend from claim 17 and stand or fall with claim 17.

In view of the above, Applicant believes that the amended claims conform to standard U.S. practice, and are now in condition for allowance. Applicant requests consideration and allowance of pending claims 17-22, 25-26, 28-29, 32, and 37.

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